

REMARKS

The Examiner has indicated that the present application contains three, patentably distinct inventions, namely, the invention of claims 1-13 drawn to a rail assembly for supporting a blanking tool insert claims 14-21 drawn to a rail assembly for supporting a blanking tool insert; and claims 22-28 drawn to a frame assembly. The Examiner has requested election of the invention to be examined in the present application.

While applicant concedes that the inventions of claims 1-13 and 14-21 may be considered independent and distinct from the invention of claims 22-28, applicant respectfully disagrees with the Examiner's suggestion that the invention of claims 1-13 and the invention of claims 14-21 are distinct. As such, applicant has withdrawn claims 22-28 and respectively traverses the Examiner's requirement to elect one of the inventions of claims 1-13 and 14-21 for examination in the present application.

Referring to MPEP Section 802.01, restriction may be required "...if two or more single "independent and distinct" inventions are claimed in one application." Independent, of course, means not dependent. Distinct, however, means that the two subjects disclosed in claims 1 and 14 must be "...capable of separate manufacture, use, or sale as claimed, and are patentable (novel and non-obvious) over each other (although they may be unpatentable because of prior art). Id.

Claim 1 defines a rail assembly for supporting a blanking tool insert on the outer frame for a lower blanking tool of a carton die cutting machine. The rail assembly includes an elongated insert receiving element defining a cavity for receiving a portion of the blanking tool insert therein. A clamp piece is connectable to the outer frame and defines a vertically extending inner face on an opposite vertically extending outer face, and a bore extending between the inner face and the outer face. A jaw element is operatively connected to the clamp piece so as to

define a clamping cavity therebetween. The jaw element is movable between a clamping position containing a portion of the insert receiving element in the clamping cavity and a release position.

Similar to claim 1, claim 14 defines a rail assembly for supporting a blanking tool insert on an outer frame for a lower blanking tool of a carton die cutting machine. The rail assembly includes an elongated insert retaining structure for receiving a portion of the blanking tool insert and a plate member defining inner and outer faces. A clamping structure is operatively connected to the plate member and is movable between a clamping position for rigidly retaining a portion of the insert receiving structure against the plate member and a release position.

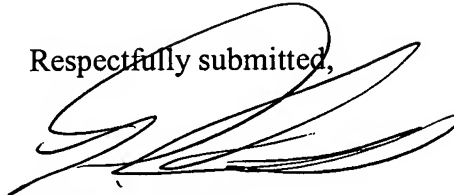
Clearly, both independent claims 1 and 14 define a common invention. Further, applicant finds it difficult to imagine a situation wherein such claims would be deemed novel and non-obvious over each other. Consequently, applicant believes that the restriction requirement with respect to claims 1-13 and 14-21 be withdrawn and all of the pending claims, namely, claims 1-21 should be examined in the present application.

In the event that Examiner disagrees with applicant's contention, applicant will elect the invention of claims 1-13. However, as previously described, applicant traverses such election.

U.S. Serial No.: 10/731,627
Group Art Unit: 3724
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Page 10

Applicant believes that the present application with claims 1-21 is in proper form for allowance and such action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter C. Stomma', written over a horizontal line.

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Dated: 6/30/05

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